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ATTORNEY DOCKET NO: 70363

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : KRÜGER et al.
Serial No : 10/079,604
Confirm. No : 7284
Filed : February 20, 2002
For : CLEARING MODES OF....
Art Unit : 3761
Examiner : Andrea M. Ragonese
Dated : July 26, 2004

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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RESPONSE TO RESTRICTION REQUIREMENTUNDER 35 U.S.C. §121

In response to the Restriction Requirement dated June 29, 2004, Applicant hereby elects Invention I. Claims 1 - 11 are drawn to the Invention I.

The Restriction Requirement states that the process as claimed can be practiced by another materially different apparatus, such as one that does not require the use of a medical engineering device processor for clearing the available modes of operation.

Applicant has reviewed the claims and respectfully disagrees with this assessment. It is known in the art related to the current invention that any unit which writes and reads a set of data, requires a controlling device which gives a set of instruction to read and write in a certain manner to a unit. In fact, it is Applicant's position that realistically, no reading or writing device with memory can read or write without receiving a certain instruction from a

specifically defined processor.

According to the present invention, a medical engineering device processor provides a Mode of Operation Clearing instruction to the unit which writes and reads a set of data. A reading or writing unit without such processor would be analogous to a computer without a CPU. Such materially different apparatus can not practice the process as claimed by the present invention since such apparatus can not clear the available mode of operation.

Therefore, Applicant respectfully requests reconsideration of the Restriction Requirement. If the Examiner has any comments or suggestions which would further favorable prosecution of this application, the Examiner is requested to contact Applicant's representative by telephone to discuss possible changes.

Favorable action is respectfully requested.

Respectfully submitted
for Applicant,

By: 

John James McGlew
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JJM/DWK:jms
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